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LOK SABHA

The following Bills were introduced in Lok Sabha on the 30th November, 1961:—

BILL No. 66 OF 1961

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

- | | |
|--|--------------------------|
| 1. This Act may be called the Constitution (Eleventh Amendment) Act, 1961. | Short title. |
| 5 2. In article 66 of the Constitution, in clause (1), for the words "members of both Houses of Parliament assembled at a joint meeting", the words "members of an electoral college consisting of the members of both Houses of Parliament" shall be substituted. | Amendment of article 66. |
| 10 3. In article 71 of the Constitution, after clause (3), the following clause shall be inserted, namely:—
“(4) The election of a person as President or Vice-President shall not be called in question on the ground of the existence of any vacancy for whatever reason among the members of the electoral college electing him.”. | Amendment of article 71. |

STATEMENT OF OBJECTS AND REASONS

Under article 66(1) of the Constitution, the Vice-President has to be elected by members of both Houses of Parliament assembled at a joint meeting. The requirement that members of the two Houses should assemble at a joint sitting for the election of the Vice-President seems to be totally unnecessary and may also cause practical difficulties. It is, therefore, proposed to amend this article to provide that the Vice-President will be elected by members of an electoral college consisting of members of both Houses of Parliament. Under article 54 of the Constitution, the President is elected by an electoral college consisting of the elected members of both Houses of Parliament and of the Legislative Assemblies of the States. Every effort is made to complete such elections before the date of the Presidential election. It is, however, possible that the elections to the two Houses of Parliament may not be completed before the President or the Vice-President is elected. It is, therefore, proposed to amend article 71 of the Constitution so as to make it clear that the election of the President or the Vice-President cannot be challenged on the ground of any vacancy for any reason in the appropriate electoral college.

2. The Bill seeks to achieve these objects. The notes on clauses appended to the Bill explain the provisions thereof.

A. K. SEN.

NEW DELHI;
The 24th November, 1961.

Notes on clauses

Clause 2.—Under article 66(1) of the Constitution, the Vice-President of India has to be elected by the members of both Houses of Parliament assembled at a joint meeting. Where there is only one duly nominated candidate, the necessity for a joint meeting is not apparent and section 8 of the Presidential and Vice-Presidential Election Act, 1952, states that in such a case the Returning Officer shall forthwith declare the candidate to be duly elected. Even where there is a contest, conformity with article 66 can only be more formal than real in that important proceedings relating to the election, like the receipt of nominations, scrutiny of nominations and withdrawal of candidature, take place before the members of the two Houses of Parliament assemble at a joint meeting, and only the polling and declaration of results take place at that meeting. In practice also, there can be no meeting in the usual sense, but the electors will be coming in as and when they like, casting their votes and going away. The requirement that members should assemble at a joint sitting seems to be totally unnecessary and is also likely to cause practical difficulties. It may be noticed that article 54 contains no such requirement in the case of the Presidential election.

This clause therefore seeks to omit the requirement as to joint meeting and incidentally brings the language of this clause into conformity with the language of article 54.

Clause 3.—In *Narayan Bhaskar Khare vs. the Election Commission of India*, 1957, S.C.R. 1081, a point was made that for a valid election of the President, all elections to the two Houses of Parliament should be completed before the date of the Presidential election, as otherwise some members would have been denied the right to take part in the election. But the Supreme Court expressed no opinion on the point as it was not necessary to do so.

It is possible that elections to the two Houses may not always be completed before a President or a Vice-President is elected. In Dr. Khare's case, when the notification for the election of the President was issued, elections in certain snow-bound areas in the North had not been completed. There may be vacancies for other reasons also. It is therefore desirable to make it clear that the election of a President or Vice-President cannot be challenged on the ground that there are vacancies in the appropriate electoral college for whatever reasons.

*BILL No. 68 OF 1961

A Bill further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament in the Twelfth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Tariff (Amendment) Act, 1961. Short title
and com-
mencement.

5 (2) The provisions of clause (i) of section 2 [relating to Items Nos. 28(4), 28(33), 28(34) and 30 (14)] shall come into force on the first day of January, 1962, and the remaining provisions shall come into force at once.

32 of 1934. 2. In the First Schedule to the Indian Tariff Act, 1934,—

10 (i) in Items Nos. 28(4), 28(33), 28(34) and 30(14), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st, 1961" wherever they occur, the word, figures and letters "December 31st, 1964" shall be substituted;

15 (ii) in Item No. 28(7A), in the second column headed "Name of article", for the words "Liquid gold for glass making", the words "Liquid gold including liquid lustres containing chemically combined gold" shall be substituted;

20 (iii) in Item No. 65(1), in the second column headed "Name of article", for the words "Nickel, pellets, cakes, slabs, annodes, shots, blocks, granules, scraps and powder", the words "Nickel, pellets, cakes, slabs, anodes, shots, blocks, granules, scraps, powder and briquettes" shall be substituted;

Amendment
of First
Schedule.

*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended to Lok Sabha the introduction of the Bill.

(iv) for Item No. 72(14), the following Item shall be substituted, namely:—

"72(14)	(a) The following electric motors, namely :—					
	(i) Squirrel cage induction motors and slip ring motors of a brake-horse-power not exceeding 500 but not less than one brake-horse-power, excluding variable speed commutator motors.	Protective.	15 per cent. <i>ad valorem.</i>	...	December 31st, 1963.	5
						10
	(ii) Single phase motors of a brake-horse-power not exceeding 3 but not less than one brake-horse-power.	Protective.	15 per cent. <i>ad valorem.</i>	...	December 31st, 1963.	15
	(iii) Fractional h.p. motors of not less than one-quarter of one brake-horse-power.	Protective.	15 per cent. <i>ad valorem.</i>	...	December 31st, 1963.	
	(iv) Fractional h.p. motors of less than one-quarter of one brake-horse-power.	Protective.	35 per cent. <i>ad valorem.</i>	...	December 31st, 1963.	20
	(b) Component parts of electric motors as defined in sub-items (i), (ii) and (iii) of item 72 (14) (a), but excluding control gear for the same, provided that only such articles shall be deemed to be component parts as are essential for the working of the electric motors and have been given for that purpose some special shape or quality which would not be essential for their use for any other purpose.	Protective.	20 per cent. <i>ad valorem.</i>	...	December 31st, 1963.	25
						30
						35
	(c) Component parts of electric motors as defined in sub-item (iv) of Item 72 (14) (a).	Protective.	35 per cent. <i>ad valorem.</i>	...	December 31st, 1963."	40

(v) Item No. 72(30) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The present Bill seeks to amend the First Schedule to the Indian Tariff Act, 1934 (32 of 1934), in order to continue protection to certain industries on the advice of the Tariff Commission.

2. The industries which will continue to be protected are—

Serial No.	Item No. of Tariff	Name of the Industry
1.	28 (4)	Soda Ash
2.	28 (33)	Calcium Carbide
3.	28 (34)	Caustic Soda
4.	30 (14)	Titanium Dioxide
5.	72 (14)	Electric Motors

3. Opportunity has also been taken to carry out a few amendments of a formal character.

NEW DELHI;

MANUBHAI SHAH.

The 16th November, 1961.

M. N. KAUL,
Secretary.